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OF TRUSTEES OF THE CALIFORNIA
7 STATE UNIVERSITY (incorrectly sued
as "CALIFORNIA STATE UNIVERSITY
8 FULLERTON") and DAVID FORGUES

9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

11
12 KATIE CAPPUCCIO,

13 Plaintiff,

14 v.
15

16 CALIFORNIA STATE UNIVERSITY,
FULLERTON, and DAVID
17 FORGUES, in his individual capacity
and office capacity as Vice President of
Human Resources,

18 Defendants.
19

20 Case No. 8:23-cv-02026-FWS-DFM

21
22 **CSU'S [PROPOSED] SPECIAL
VERDICT**

23 Trial: August 19, 2025
24 Judge: Hon. Fred W. Slaughter
Crtrm.: Santa Ana, 10D
Magistrate: Douglas F. McCormick
Crtrm: Santa Ana, 6B

25
26 **EXEMPT FROM FEES
GOVT. CODE § 6103**

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1 We, the jury in the above-entitled case, answer the questions submitted to us
2 as follows:

3 **Failure to Accommodate Religion (Title VII)**

4
5 1. Do you find that Katie Cappuccio has proved by a preponderance of the
6 evidence that she has a bona fide religious belief that she cannot
7 conduct medical procedures unless she is sick?

8 Yes ____ No ____
9

10 If your answer to question 1 is yes, then answer question 2. If you
11 answered no, then proceed to question 10.

12
13 2. Do you find that Katie Cappuccio has proved by a preponderance of the
14 evidence that her religious belief that she could not conduct medical
15 procedures unless she was sick conflicted with an employment duty?

16 Yes ____ No ____
17

18 If your answer to question 2 is yes, then answer question 3. If you
19 answered no, then proceed to question 10.

20
21 3. Do you find that Katie Cappuccio has proved by a preponderance of the
22 evidence that she informed CSU of her religious belief that she could
23 not conduct medical procedures unless she was sick and the conflict
24 between her religious belief and the employment duty?

25 Yes ____ No ____
26

27 If your answer to question 3 is yes, then answer question 4. If you
28 answered no, then proceed to question 10.

1 4. Do you find that CSU has proved by a preponderance of the evidence
2 that it could not have accommodated Katie Cappuccio's religious belief
3 without undue hardship?

4 Yes ____ No ____

5 If your answer to question 4 is yes, then proceed to question 10. If you
6 answered no, then answer question 5.

7
8 5. Do you find that Katie Cappuccio has proved by a preponderance of the
9 evidence that CSU discharged her because of the conflict between her
10 religious belief and the employment duty due to the religious belief?

11 Yes ____ No ____

13 If your answer to question 5 is yes, then answer question 6. If you
14 answered no, then proceed to question 10.

15
16 6. Do you find that Katie Cappuccio has proved by a preponderance of the
17 evidence that she was harmed?

19 Yes ____ No ____

20 If your answer to question 6 is yes, then answer question 7. If you
21 answered no, then proceed to question 10.

22
23 7. Do you find that Katie Cappuccio has proved by a preponderance of the
24 evidence that CSU's failure to reasonably accommodate Katie
25 Cappuccio's religious belief was a substantial factor in causing her
26 harm?

28 Yes ____ No ____

If your answer to question 7 is yes, then answer question 8. If you answered no, then proceed to question 10.

8. Did CSU adopt an enactment of Presidential Directive 22 and the Covid-19 Vaccination Interim Policy?

Yes ____ No ____

If your answer to question 8 is yes, then answer question 9. If you answered no, then proceed to question 10.

9. Was the harm that Katie Cappuccio suffered substantially caused by CSU's adoption of an enactment of Presidential Directive 22 and the Covid-19 Vaccination Interim Policy?

Yes ____ No ____

Regardless of your answer to this question, proceed to question 10.

1 **Failure to Accommodate Religion (FEHA)**
2

3 10. Do you find that Katie Cappuccio has proved by a preponderance of the
4 evidence that that she has a sincerely held religious belief that she cannot
5 conduct medical procedures unless she is sick?

6 Yes ____ No ____

7 If your answer to question 10 is yes, then answer question 11. If you
8 answered no, then proceed to question 20.

9

10 11. Do you find that Katie Cappuccio has proved by a preponderance of the
11 evidence that her religious belief that she could not conduct medical
12 procedures unless she was sick conflicted with a job requirement?

13 Yes ____ No ____

14 If your answer to question 11 is yes, then answer question 12. If you
15 answered no, then proceed to question 20.

16

17 12. Do you find that Katie Cappuccio has proved by a preponderance of
18 the evidence that CSU knew of the conflict between Katie Cappuccio's
19 religious belief that she could not conduct medical procedures unless she was
20 sick and the job requirement?

21 Yes ____ No ____

22 If your answer to question 12 is yes, then answer question 13. If you
23 answered no, then proceed to question 20.

24

25 13. Do you find that CSU reasonably accommodated Katie Cappuccio's
26 religious belief that she could not conduct medical procedures unless she was
27 sick?

28 Yes ____ No ____

If your answer to question 13 is no, then answer question 14. If you answered yes, then proceed to question 20.

14. Do you find that CSU had proved by a preponderance of the evidence
that it could not have accommodated Katie Cappuccio's religious belief
without undue hardship?

Yes ____ No ____

If your answer to question 14 is yes, then proceed to question 20. If you answered no, then answer question 15.

15. Do you find that Katie Cappuccio has proved by a preponderance of the
evidence that the conflict between her religious belief and the job requirement
was a substantial motivating reason for CSU discharging her?

Yes ____ No ____

If your answer to question 15 is yes, then answer question 16. If you answered no, stop here, then proceed to question 20.

16. Do you find that Katie Cappuccio has proved by a preponderance of the
evidence that she was harmed?

Yes ____ No ____

If your answer to question 16 is yes, then answer question 17. If you answered no, then proceed to question 20.

17. Do you find that Katie Cappuccio has proved by a preponderance of the
evidence that CSU's failure to reasonably accommodate Katie Cappuccio's
religious belief was a substantial factor in causing harm to Katie Cappuccio?

Yes ____ No ____

If your answer to question 17 is yes, then answer question 18. If you answered no, then proceed to question 20.

18. Did CSU adopt an enactment of Presidential Directive 22 and the Covid-19 Vaccination Interim Policy?

Yes ____ No ____

If your answer to question 18 is yes, then answer question 19. If you answered no, then proceed to question 20.

19. Was the harm Katie Cappuccio suffered substantially caused by CSU's adoption of an enactment of Presidential Directive 22 and the Covid-19 Vaccination Interim Policy?

Yes ____ No ____

Regardless of your answer to question 19, proceed to question 20.

Damages

20. If you have answered “no” to question 8, 9, 18, and/or 19, then proceed to question 21.

If you did not answer questions 8, 9, 18, or 19 because of an answer to a prior question, or if you answered yes to question 9 and 19, then do not answer question 21 and sign and date and return this form.

21. What amount, if any, do you award Katie Cappuccio for the damages she suffered?

a. Economic loss \$ _____

b. Non-economic loss \$ _____

TOTAL \$ _____

Signed: _____

Presiding Juror

Dated: _____

After this verdict form has been signed, notify the bailiff.

1 Dated: June 26, 2025

QUARLES & BRADY LLP

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By: /s/ Heather C. Davis

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CORRIE J. KLEKOWSKI

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HEATHER C. DAVIS

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Attorneys for Defendant THE BOARD OF

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